

years ahead, as the United States competes with China for dominance in space and cyberspace.

Unfortunately, we haven't spent the past few months discussing General Hyten's qualifications for the job or the strategic challenges we face as a nation. Instead, Gen. Hyten's nomination was marred by false accusations of misconduct by a subordinate. This accuser has a long and disturbing history of responding to professional setbacks with serious accusations against her superiors. These accusations—all of them, against General Hyten and others in her chain of command—have been dismissed by competent, independent military investigations. Multiple inspectors general have now looked into these claims. Countless manhours have been devoted to uncovering the truth. And the truth is that General Hyten is innocent.

Today the Senate said “enough” to the malicious claims against him.

Ensuring justice for General Hyten meant nothing more and nothing less than following the facts where they lead. When we follow the facts, it sends a clear message to our men and women in uniform that they will be treated fairly by the armed service, not railroaded by a media mob or hung out to dry by their chain of command.

For victims of sexual assault and harassment, following the facts will ensure that justice is done. It will mean the same for victims of false claims like General Hyten.

I know of few leaders who take sexual misconduct more seriously than my colleague, Senator MARTHA MCSALLY—herself a victim of sexual assault. It speaks volumes about this case, as well as her own courage, that Senator MCSALLY has stood up for a good man in the face of truly reprehensible attacks. I will close with her words. “[T]he full truth was revealed in this process,” she said. “The truth is that General Hyten is innocent of these charges.” Indeed he is. So today he has been confirmed as vice chairman of the Joint Chiefs, with our full confidence that he will continue to serve with the courage and brilliance that have so far distinguished his career.

#### U.S. SENATE DISABLED VETERAN LEAVE REGULATIONS

Mr. BLUNT. Mr. President, in accordance with rule 23 of the Rules of Procedure of the Committee on Rules and Administration and pursuant to Public Law 115-364, on September 25, 2019, the Committee adopted the U.S. Senate Disabled Veteran Leave Regulations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### U.S. SENATE DISABLED VETERAN LEAVE REGULATIONS

ADOPTED BY THE COMMITTEE ON RULES AND ADMINISTRATION ON SEPTEMBER 25, 2019

#### § 1301 Purpose and authority.

These regulations implement 5 U.S.C. § 6329, which establishes a leave category, to

be known as “disabled veteran leave,” for an eligible employee who is a veteran with a service-connected disability rated at 30 percent or more. Such an employee is entitled to this leave for purposes of undergoing medical treatment for such disability. Disabled veteran leave must be used during the 12-month period beginning on the first day of employment. The Committee's authority to promulgate these regulations is found in section 1(b) of Public Law 115-364.

#### § 1302 Applicability.

These regulations apply to a Senate employee who is a veteran with a service-connected disability rated at 30 percent or more, subject to the conditions specified in these regulations. These regulations apply only to a Senate employee who is hired on or after November 5, 2016.

#### § 1303 Definitions.

In these regulations:

“12-month eligibility period” means the continuous 12-month period that begins on the first day of employment.

“Agency” means an agency of the Federal Government. In the case of an agency in the Executive branch, it means an Executive agency as defined in 5 U.S.C. § 105.

“Employee” has the meaning given that term in 5 U.S.C. § 6329(d).

“Employing office” has the meaning given that term in 2 U.S.C. § 1301(9).

“Employment” means service as an employee during which the employee is covered by a leave system or leave policy under which leave is charged for periods of absence. This excludes service in a position in which the employee is not covered by 5 U.S.C. § 6329 due to application of another statutory authority.

“First day of employment” means the first day of service that qualifies as employment that occurs on the later of—

(1) The earliest date an employee is hired after the effective date of the employee's qualifying service-connected disability, as determined by the Veterans Benefits Administration; or

(2) The effective date of the employee's qualifying service-connected disability, as determined by the Veterans Benefits Administration.

“Health care provider” has the meaning given that term in 5 C.F.R. § 630.1202.

“Hired” means the action of—

(1) Receiving an initial appointment to a civilian position in the Federal Government in which the service qualifies as employment under these regulations or any other regulations promulgated to implement 5 U.S.C. § 6329;

(2) Receiving a qualifying reappointment to a civilian position in the Federal Government in which the service qualifies as employment under these regulations or any other regulations promulgated to implement 5 U.S.C. § 6329; or

(3) Returning to duty status in a civilian position in the Federal Government in which the service qualifies as employment under these regulations or any other regulations promulgated to implement 5 U.S.C. § 6329, when such return immediately followed a break in civilian duty (with the employee in continuous civilian leave status) to perform military service.

“Medical certificate” means a written statement signed by a health care provider certifying to the treatment of a veteran's qualifying service-connected disability.

“Medical treatment” means any activity carried out or prescribed by a health care provider to treat a veteran's qualifying service-connected disability.

“Military service” means “active military, naval, or air service” as that term is defined in 38 U.S.C. § 101(24).

“Qualifying reappointment” means an appointment of a former employee of the Federal Government following a break in employment of at least 90 calendar days.

“Qualifying service-connected disability” means a veteran's service-connected disability rated at 30 percent or more by the Veterans Benefits Administration, including a combined degree of disability of 30 percent or more that reflects the combined effect of multiple individual disabilities, which resulted in the award of disability compensation under title 38, United States Code. A temporary disability rating under 38 U.S.C. § 1156 is considered a valid rating in applying this definition for as long as it is in effect.

“Senate employee” means an employee occupying a position of employment the pay for which is disbursed by the Secretary of the Senate and who is covered by the leave policies of the employee's Senate employing office.

“Senate employing office” means the personal office of a Senator, a committee of the Senate, and any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of employment of a Senate employee.

“Service-connected” has the meaning given such term in 38 U.S.C. § 101(16).

“Sick leave” means any paid leave offered by a Senate employing office that can be used by an employee to continue pay during periods of absence caused by the employee's medical illness or injury or the employee's medical appointments.

“Veteran” has the meaning given such term in 38 U.S.C. 101(2).

“Veterans Benefits Administration” means the Veterans Benefits Administration of the Department of Veterans Affairs.

#### § 1304 Eligibility.

(a) A Senate employee who is a veteran with a qualifying service-connected disability is entitled to disabled veteran leave under these regulations, which will be available for use during the 12-month eligibility period beginning on the first day of employment. For each employee, including a Senate employee, there is a single first day of employment.

(b) To be eligible for disabled veteran leave, a Senate employee must provide to the Senate employing office documentation from the Veterans Benefits Administration certifying that the Senate employee has a qualifying service-connected disability. The documentation should be provided to the Senate employing office—

(1) Upon the first day of employment, if the Senate employee has already received such certifying documentation; or

(2) For a Senate employee who has not yet received such certifying documentation from the Veterans Benefit Administration, as soon as practicable after the Senate employee receives the certifying documentation.

(c) Notwithstanding paragraph (b) of this section, a Senate employee may submit certifying documentation at a later time, including after a period of absence for medical treatment, as described in § 1306(c). The 12-month eligibility period is fixed based on the first day of employment and is not affected by the timing of when certifying documentation is provided.

(d) If a Senate employee's service-connected disability rating is decreased or discontinued during the 12-month eligibility period such that the Senate employee no longer has a qualifying service-connected disability—

(1) The Senate employee must notify the Senate employing office of the effective date of the change in the disability rating; and

(2) The Senate employee is no longer eligible for disabled veteran leave as of the effective date of the rating change.

**§1305 Crediting disabled veteran leave.**

(a) Upon receipt of the certifying documentation under §1304, a Senate employing office must credit 104 hours of disabled veteran leave to a full-time, non-temporary Senate employee or a proportionally equivalent amount for a part-time Senate employee, except as otherwise provided in this section.

(b) The proportional equivalent of 104 hours for a full-time Senate employee is determined for part-time Senate employees as follows: the 104 hours is prorated based on the number of hours in the part-time schedule (as established for leave charging purposes) relative to a full-time schedule (e.g., 52 hours for a half-time schedule).

(c) When a Senate employee is converted to a different schedule for leave purposes, the Senate employee's balance of unused disabled veteran leave must be converted to the proper number of hours based on the proportion of hours in the new schedule compared to the former schedule. For short-term or temporary employees, hours must be annualized in determining the proportion.

(d)(1) A Senate employee who was previously employed by an agency or employing office whose employees were not subject to 5 U.S.C. §6329 must certify, at the time the Senate employee is hired by a Senate employing office, whether or not that former agency or employing office provided entitlement to an equivalent disabled veteran leave benefit to be used in connection with the medical treatment of a service-connected disability rated at 30 percent or more. The Senate employee must certify the date he or she commenced the period of eligibility to use disabled veteran leave in the former agency or employing office.

(2) If 12 months have elapsed since the commencing date referenced in paragraph (e)(1) of this section, the Senate employee will be considered to have received the full amount of an equivalent benefit and no benefit may be provided under these regulations.

(3) If the Senate employee is still within the 12-month period that began on the commencing date referenced in paragraph (e)(1) of this section, the Senate employee must certify the number of hours of disabled veteran leave used at the former agency or employing office. The gaining Senate employing office must offset the number of hours of disabled veteran leave to be credited to the Senate employee by the number of such hours used by the Senate employee at the former agency or employing office, while making no offset under paragraph (d) of this section. If the Senate employee had a different type of work schedule at the former agency or employing office, the hours used at the former agency or employing office must be converted before applying the offset, consistent with §1305(c).

**§1306 Requesting and using disabled veteran leave.**

(a) A Senate employee may use disabled veteran leave only for the medical treatment of a qualifying service-connected disability. The medical treatment may include a period of rest, but only if such period of rest is specifically ordered by the health care provider as part of a prescribed course of treatment for the qualifying service-connected disability.

(b)(1) A Senate employee must submit a request—written, oral, or electronic, as required by the Senate employing office—to use disabled veteran leave. The request must include a personal self-certification by the Senate employee that the requested leave will be (or was) used for purposes of being furnished medical treatment for a qualifying service-connected disability. The request must also include the specific days and hours

of absence required for the treatment. The request must be submitted within such time limits as the Senate employing office may require.

(2) A Senate employee must submit the request for approval to use disabled veteran leave in advance of the need for leave unless the need for leave is critical and not foreseeable—e.g., due to a medical emergency or the unexpected availability of an appointment for surgery or other critical treatment. The Senate employee must provide notice within a reasonable period of time appropriate to the circumstances involved. If the Senate employing office determines that the need for leave is critical and not foreseeable and that the Senate employee is unable to provide advance notice of the need for leave, the leave may not be delayed or denied.

(c)(1) When a Senate employee did not provide the Senate employing office with certification of a qualifying service-connected disability before having a period of absence for treatment of such disability, the Senate employee is entitled to substitute approved disabled veteran leave retroactively for such period of absence (excluding periods of suspension, but including leave at Senate minimum pay, sick leave, annual leave, compensatory time off, or other paid time off) in the 12-month eligibility period. Such retroactive substitution cancels the use of the original leave or paid time off and requires appropriate adjustments. In the case of retroactive substitution for a period when a Senate employee used advanced annual leave or advanced sick leave, the adjustment is a liquidation of the leave indebtedness covered by the substitution.

(2) A Senate employing office may require a Senate employee to submit the medical certification described in §1307(a) before approving such retroactive substitution.

**§1307 Medical certification.**

(a) In addition to the Senate employee's self-certification required under §1306(b)(1), a Senate employing office may additionally require that the use of disabled veteran leave be supported by a signed written medical certification issued by a health care provider.

(b) When a Senate employing office requires a signed written medical certification by a health care provider, the Senate employing office may specify that the certification include—

(1) A statement by the health care provider that the medical treatment is for one or more service-connected disabilities of the Senate employee that resulted in 30 percent or more disability rating;

(2) The date or dates of treatment or, if the treatment extends over several days, the beginning and ending dates of the treatment;

(3) If the leave was not requested in advance, a statement that the treatment required was of an urgent nature or there were other circumstances that made advanced scheduling not possible; and

(4) Any additional information that is essential to verify the Senate employee's eligibility.

(c)(1) A Senate employee must provide any required written medical certification no later than 15 calendar days after the date the Senate employing office requests such medical certification, except as otherwise allowed under paragraph (c)(2) of this section.

(2) If the Senate employing office determines it is not practicable under the particular circumstances for the Senate employee to provide the requested medical certification within 15 calendar days after the date requested by the Senate employing office despite the Senate employee's diligent, good faith efforts, the Senate employee must provide the medical certification within a reasonable period of time under the circumstances involved, but in no case later than 60 calendar days after the date the Sen-

ate employing office requests such documentation.

(3) A Senate employee who does not provide the required evidence or medical certification within the specified time period is not entitled to use disabled veteran leave, and the Senate employing office may, as appropriate and consistent with applicable laws and regulations, elect to either—

(i) Charge the absence against available forms of paid time off, such as sick leave or annual leave, or reduce the Senate employee's salary to an amount not less than the Senate minimum annual rate of pay for the period of absence; or

(ii) Allow the Senate employee to request that the absence be charged against the Senate employee's sick leave, annual leave, or other available forms of paid time off.

**§1308 Disabled veteran leave forfeiture, transfer, reinstatement.**

(a) Disabled veteran leave not used during the 12-month eligibility period may not be carried over to subsequent years and must be forfeited.

(b) If a change in the Senate employee's disability rating during the 12-month eligibility period causes the Senate employee to no longer have a qualifying service-connected disability (as described in §1304(d)), any unused disabled veteran leave to the Senate employee's credit as of the effective date of the rating change must be forfeited.

(c) When a Senate employee with a positive disabled veteran leave balance transfers from the payroll of one Senate employing office to the payroll of another Senate employing office during the 12-month eligibility period, the Senate employing office from which the Senate employee departs must certify the number of unused disabled veteran leave hours available for credit by the gaining Senate employing office. The losing Senate employing office must also certify the expiration date of the Senate employee's 12-month eligibility period to the gaining Senate employing office. Any unused disabled veteran leave will be forfeited at the end of that eligibility period. For the purpose of this paragraph, the term "transfers" shall have such meaning as is ascribed to it by the Secretary of the Senate.

(d)(1) A Senate employee with a balance of unused disabled veteran leave who ceases employment with a Senate employing office during the employee's 12-month eligibility period, and later recommences employment covered by 5 U.S.C. §6329 with a Senate employing office within that same eligibility period, is entitled to a recredit of the unused balance.

(2) When a Senate employee has a break in employment as described in paragraph (d)(1) of this section, the losing Senate employing office must certify the number of unused disabled veteran leave hours available for recredit by the gaining Senate employing office. The losing Senate employing office must also certify the expiration date of the employee's 12-month eligibility period. Any unused disabled veteran leave must be forfeited at the end of that eligibility period.

(3) In the absence of the certification described in paragraph (d)(2) of this section, the recredit of disabled veteran leave may also be supported by written documentation available to the gaining Senate employing office in its official personnel records concerning the employee, copies of contemporaneous earnings and leave statement(s) provided by the Senate employee, or copies of other contemporaneous written documentation acceptable to the gaining Senate employing office.

(e) A Senate employee may not receive a lump-sum payment for any unused disabled veteran leave under any circumstance.

#### BUDGET ENFORCEMENT LEVELS FOR FISCAL YEAR 2020

Mr. ENZI. Mr. President, section 3005 of H. Con. Res. 71, 115th Congress, the Concurrent Resolution on the Budget for Fiscal Year 2018, allows the chairman of the Senate Budget Committee to revise the allocations, aggregates and levels in the budget resolution for legislation related to the extension of certain healthcare policies. This adjustment authority, which was updated by the Bipartisan Budget Act of 2019, is contingent on the legislation not increasing the deficit over either the period of fiscal years 2020–2024 or the period of fiscal years 2020–2029.

I find that H.R. 4378, the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019, meets the conditions of deficit neutrality found in section 3005 of H. Con. Res. 71. This determination has been made by looking at the deficit effects of the revenue and direct spending provisions of both Division A and Division B of H.R. 4378. Accordingly, I am revising the allocations

to the Committee on Finance and the budgetary aggregates to account for the direct spending and revenue effects of the bill. Further, I am temporarily adjusting the Senate's PAYGO scorecard to reflect the \$667 million deficit increase in Fiscal Year 2020 and deficit decreases of \$477 million and \$1 million over the 5- and 10-year periods, respectively. In recognition of the instruction to exclude the budgetary effects of division B from the PAYGO scorecard in title VII, the table accompanying this statement reflects only the prorated revenue effects of division A, which are not covered by the exception and whose adjustments will remain for PAYGO scorecard purposes.

Section 124 of division A provides for additional budgetary resources for the Ukraine Security Assistance Initiative and designates those resources as being for overseas contingency operations/global war on terrorism, OCO, pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. This designation makes this spending qualify for a discretionary cap adjustment under current statute. This provision has no effect on budget authority but

would increase outlays by \$128 million in Fiscal Year 2020. Therefore, I am revising the allocation to the Committee on Appropriations and further modifying the spending aggregate for Fiscal Year 2020 to accommodate these outlays.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

(Pursuant to Sections 311 and 314(a) of the Congressional Budget Act of 1974 and Section 3005 of H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018, as Updated by the Bipartisan Budget Act of 2019)

	\$ in millions	2020
Current Aggregates:		
Spending:		
Budget Authority .....		3,703,553
Outlays .....		3,680,696
Adjustments*:		
Spending:		
Budget Authority .....	693	
Outlays .....	795	
Revised Aggregates:		
Spending:		
Budget Authority .....		3,704,246
Outlays .....		3,681,491

#### BUDGET AGGREGATE—REVENUES

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 3005 of H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018, as Updated by the Bipartisan Budget Act of 2019)

	\$ in millions	2020	2020–2024	2020–2029
Current Aggregates:				
Revenue .....		2,740,538	15,073,859	34,847,317
Adjustments:				
Revenue .....		*	*	*
Revised Aggregates:				
Revenue .....		2,740,538	15,073,859	34,847,317

\* Denotes budgetary effects between —\$500,000 and \$500,000.

#### REVISION TO ALLOCATION TO THE COMMITTEE ON FINANCE

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 3005 of H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018, as updated by the Bipartisan Budget Act of 2019)

	\$ in millions	2020	2020–2024	2020–2029
Current Allocation:				
Budget Authority .....		2,624,780	15,076,375	35,392,167
Outlays .....		2,607,237	15,014,396	35,317,440
Adjustments:				
Budget Authority .....	693		–477	–1
Outlays .....	667		–477	–1
Revised Allocation:				
Budget Authority .....		2,625,473	15,075,898	35,392,166
Outlays .....		2,607,904	15,013,919	35,317,439

#### PAY-AS-YOU-GO SCORECARD FOR THE SENATE

(Pursuant to Section 4106 and Section 3005 of H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018, as Updated by the Bipartisan Budget Act of 2019)

	\$ in millions	Balances
Starting Balance:		
Fiscal Year 2019 .....		0
Fiscal Year 2020 .....		0
Fiscal Years 2019 through 2024 .....		0
Fiscal Years 2019 through 2029 .....		0
Adjustments:		
Fiscal Year 2019 .....		0
Fiscal Year 2020 .....		*
Fiscal Years 2019 through 2024 .....		*
Fiscal Years 2019 through 2029 .....		*
Revised Balance:		
Fiscal Year 2019 .....		0
Fiscal Year 2020 .....		*
Fiscal Years 2019 through 2024 .....		*
Fiscal Years 2019 through 2029 .....		*

\* Denotes budgetary effects between —\$500,000 and \$500,000.

Memorandum: For consideration of H.R. 4378, the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019, in the Senate, the Chairman's reserve fund adjustment covers the total deficit effects stemming from direct spending outlays and revenue changes in both Division A and Division B. This table reflects the final PAYGO recording of deficit effects from the measure consistent with exclusions in Title VII of Division B.

#### REVISION TO SPENDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2020

(Pursuant to Sections 302 and 314(a) of the Congressional Budget Act of 1974)

	\$ in millions	2020
Current Allocation:		
Revised Security Discretionary Budget Authority .....		666,500
Revised Nonsecurity Category Discretionary Budget Authority .....		621,508
General Purpose Outlays .....		1,364,251